

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,

Petitioner,

V.

MARTIN HORN, Commissioner,  
Pennsylvania Department of Corrections;  
CONNOR BLAINE, Superintendent of the  
State Correctional Institution at Greene, and  
JOSEPH P. MAZURKIEWICZ,  
Superintendent of the State Correctional  
Institution at Rockview,

Respondents.

CIVIL ACTION

No. 00 - 300:

Judge Hardiman

**THIS IS A CAPITAL CASE.**

**PETITION FOR WRIT OF HABEAS CORPUS**  
**AD TESTIFICANDUM PURSUANT TO 28 U.S.C. § 2241**

**AND NOW** comes the Petitioner, Mark Breakiron, by his attorney, Tricia Russell, and files this Petition for Writ of Habeas Corpus Ad Testificandum pursuant to Title 28 U.S.C., §2241, and requests that an Order be issued to the Superintendent of State Correction Institution Dallas, at Dallas, Pennsylvania, or prison officials at his direction, and to the United States Marshal commanding them to produce the body of **James Francis Sullivan** (DOC # BT 9865), to testify as a fact witness at the evidentiary hearing of Mark Breakiron, before the Honorable Thomas M. Hardiman, United States District Court for the Western District of Pennsylvania, Seventh and Grant Streets, Pittsburgh, Pennsylvania, 15219, on **Monday and Tuesday, December 4 and 5, 2006 at 9:30 a.m.**

**IT IS FURTHER REQUESTED** the costs associated with this transfer be borne by the

Government as Petitioner has been declared indigent and granted *in forma pauperis* status by this Court.

DATED: November 7, 2006

Respectfully submitted,

/s/ Tricia A. Russell

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